

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

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In the Matter of Permit 19330 (Application 28176)

JVW Corporation

**ORDER APPROVING EXTENSION OF TIME, CHANGE IN PLACE  
OF USE, AND AMENDING THE PERMIT**

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SOURCE: Unnamed Stream

COUNTY: Sonoma

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**WHEREAS:**

1. Permit 19330 was issued to Thomas N. Jordan, Jr. and Jordan Vineyard & Winery on October 2, 1984, and subsequently assigned to JVW Corporation, pursuant to Application 28176.
2. A petition for an extension of time and to change the place of use was filed with the State Water Resources Control Board (SWRCB) on May 5, 1998, and the SWRCB has determined that the permittee has proceeded with diligence and good cause for such extension of time and change in place of use has been shown. Public notice was issued on April 20, 2001, and no protests were received.
3. The SWRCB has determined that the petition for extension of time and change in place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.
5. There is the possibility that buried archeological deposits may be present and accidental discovery could occur. In compliance with the California Environmental Quality Act, which states that a Lead Agency is required to make a provision for historical or unique archeological resources accidentally discovered during construction or operation of projects, a term should be included in the permit requiring notification of the Chief of the Division of Water Rights if project activities uncover any buried archeological materials.

**NOW, THEREFORE, IT IS ORDERED THAT PERMIT 19330 IS AMENDED TO READ AS FOLLOWS:**

1. Condition 8 of the permit be deleted.
2. Condition 9 of the permit be amended to read:

Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2011.

(0000009)

3. The condition of the permit regarding the place of use be amended to read:

6 acres within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 2 T9N R9W MDB&M  
2 acres within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 2 T9N R9W MDB&M  
6 acres within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 2 T9N R9W MDB&M  
4 acres within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 2 T9N R9W MDB&M  
2 acres within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 2 T9N R9W MDB&M  
1 acre within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
1 acre within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
13 acres within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
1 acre within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
1 acre within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
9 acres within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
19 acres within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
1 acre within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
4 acres within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
12 acres within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
3 acres within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 3 T9N R9W MDB&M  
1 acre within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 9 T9N R9W MDB&M  
15 acres within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 10 T9N R9W MDB&M  
16 acres within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 10 T9N R9W MDB&M  
11 acres within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 10 T9N R9W MDB&M  
18 acres within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 10 T9N R9W MDB&M  
5 acres within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 10 T9N R9W MDB&M  
30 acres within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 11 T9N R9W MDB&M  
1 acre within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 11 T9N R9W MDB&M  
7 acres within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 11 T9N R9W MDB&M  
14 acres within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 11 T9N R9W MDB&M

203 acres total

4. Permit 19330 is amended to include the following Endangered Species condition:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

5. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building

foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.

(0000215)

6. All other terms and conditions of Permit 19330 are still applicable.

STATE WATER RESOURCES CONTROL BOARD



*Edward C. Anton, Chief  
Division of Water Rights*

**Dated:**     **APR 16 2002**

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

4/25/95 Not. of asgd: APP#28176 Per#19330  
JVW Corporation

APPLICATION 28176 PERMIT 19330 LICENSE

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 19330 was issued to Thomas N. Jordan Jr. on October 2, 1984 pursuant to Application 28176.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1994

(0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

3. Condition 12 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces;

(5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated:

FEBRUARY 09 1990

  
✓ Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
~~THE RESOURCES AGENCY~~  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19330

Application 28176 of Thomas N. Jordan, Jr. and Jordan Vineyard & Winery  
1474 Alexander Valley Road, Healdsburg, California 95448

filed on June 26, 1984, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream

Russian River

2. Location of point of diversion:

40-acre subdivision  
of public land survey  
or projection thereof

Section

Town-  
ship

Range

Base  
and  
Meridan

Jordan Reservoir

North 1,450 feet and West 1,700 feet  
from Se corner of Projected Section 3

NW $\frac{1}{4}$  of SE $\frac{1}{4}$

3

9N

9W

MD

County of Sonoma

3. Purpose of use:

4. Place of use:

Section

Town-  
ship

Range

Base  
and  
Meridan

Acres

Frost Protection

Irrigation

Within W $\frac{1}{2}$

2

9N

9W

MD

12

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 46 acre-feet per annum to be collected from October 1 of each year to April 30 of the succeeding year.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

(0000007)

8. Construction work shall be completed by December 1, 1987.

(0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1988.

(0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

(0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel or provide other means satisfactory to the State Water Resources Control Board in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Before starting construction permittee shall submit plans and specifications of the outlet pipe or other alternative to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir permittee shall furnish evidence which substantiates that an outlet or other alternative has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050044)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCTOBER 2 1984

STATE WATER RESOURCES CONTROL BOARD

for L. D. Johnson  
Chief, Division of Water Rights